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February 21, 2012

Ref: The dismissal of Ben Zander

To:

Mr. Stephen Friedlaender,
Chair of Board of Trustees, New England Conservatory of Music,
Members of the Board of Trustees
and President Woodcock

cc Mr. Thomas Novak, Dean of the College
Mr. Robert Sullivan, Chair of the Faculty Senate
Mr. Antonio Viva, Head of Walnut Hill School
Ms. Elisabeth Paine McClendon, President of the Board of Trustees of Walnut Hill
Mr. Benjamin Zander

Has Justice Been Done?

It is generally unwise for family members to become involved in issues such as those which have confronted Ben Zander – respectively, our brother-in-law¹ and brother². First, it may appear unseemly; second, the views of family members as to the merits will naturally be considerably discounted. However, on the basis of some relevant professional experience, we strongly believe that justice in this case has not been done and therefore take the unusual step of writing this letter.

Our information draws on various sources, including Ben Zander. But he had no part in the inception or the writing of this letter.

On January 12, Ben Zander was dismissed, with immediate effect, from the New England Conservatory of Music (NEC) and as Artistic Director of the Walnut Hill School for the Performing Arts. He had been a faculty member of the Conservatory for 45 years and was with Walnut Hill for 28 years.

The decision had been approved by the Conservatory's Board of Trustees before being communicated to Ben Zander.³ The purpose of this letter is to ask the Board of Trustees to

¹ Neil Rudenstine, Provost, Princeton University (1977-88); President, Harvard University (1991-2001).

² Michael Zander, Queens Counsel, *honoris causa* (1997), Professor Emeritus of Law, London School of Economics and Political Science.

³ Members of the Board of Trustees received an email on January 11 from the President's Office asking them to attend an Emergency Meeting the following morning to discuss an important matter. The meeting was attended

reconsider Ben Zander's dismissal in light of all the now known relevant facts, and of the time for further reflection allowed by the passage of some weeks. We realize that the Board will naturally be reluctant to take such a step, but we are confident that if it is persuaded that a serious injustice has been done, the Board would be prepared to do so.

The NEC's *Governance, Evaluation and Employment Policies and Procedures* makes provision for an appeal (involving a jury of five faculty members) against dismissal and other possible sanctions.⁴ This stipulated procedure was bypassed by President Woodcock when he recommended Ben Zander's dismissal directly to the Board of Trustees where it was approved and then immediately implemented by the President.

The only recourse now is a direct appeal to the Board of Trustees

When Zander was asked to come to NEC on January 12 to meet with President Woodcock, he was not told the purpose of the meeting. He assumed it was about Mr. Peter Benjamin. He had no idea that it was about him, nor, therefore, that he would be asked to resign, failing which he would be dismissed. He came without any adviser.⁵ The meeting lasted less than ten minutes.⁶ President Woodcock asked him to read a letter regarding Mr. Benjamin that was being mailed (dated the same day, January 12), to 6,500 families of past and present Preparatory School students. He asked Ben Zander whether, when using him as videographer, he knew that Mr. Benjamin had been convicted of sex offences. When Zander replied affirmatively, President Woodcock said that the Board of Trustees had that morning already decided that unless he resigned, he should be terminated immediately. He handed Zander two letters. One was a letter of dismissal. The other was a letter to be signed by him, offering his resignation. He was told that he could not leave the building until he had made up his mind. If he left without signing either letter, it would be treated as dismissal. He was given 4 hours, until 3pm, to make up his mind.⁷ Ben Zander decided that he would not resign.

The letter of dismissal, signed by President Woodcock, stated,

by some 18 Trustees in person and another 16 on the telephone. (Those on the telephone were able both to listen and to take part.) The topic of the meeting was the dismissal of Ben Zander.

⁴ The procedure provides for an appeal to the Dean of the College and/or the President, including a right to a hearing and to submit materials. There is a further right to ask for a review of the Administration's appeal decision by a "special jury" consisting of "Conservatory faculty and other professional members of the Conservatory." Two members of such special jury would be selected by the President, two by the Chairperson of the Faculty Senate and a fifth by the four first appointed persons. The special jury, after reviewing the appeal decision and hearing from the applicant, may make a recommendation to the President. The President is not obliged to follow such recommendation but he must consider it and make a decision "in good faith." Such decision "shall be final and binding on all parties."

⁵ When asked at the meeting of the Board of Trustees what would happen if Zander came with legal counsel, President Woodcock gave the surprising reply that he was under no obligation to recognise Zander's legal counsel.

⁶ In an interview with the *Boston Globe* (Geoff Edgers, February 5), President Woodcock commented critically that Ben Zander had not apologized at that ten minute meeting. ("I was staggered. It didn't show any culpability. It reinforced the notion of no judgment whatsoever. If somebody is demonstrating no judgment, how can they be responsible for children.") President Woodcock's statement took no account of the fact that Ben Zander was understandably stunned to be informed without warning that he was being dismissed. The statement, knowingly made for publication by the leader of an educational institution, also appeared to take no account of the fact that for more than 40 years Zander has had an outstanding record of nurturing, guiding and inspiring students of all ages.

⁷ At 3pm the Conservatory issued its statement to the press that Ben Zander had been dismissed.

"This letter serves as written notification that your employment, and all titles and positions you hold with New England Conservatory of Music are terminated effective immediately."

It added,

"You are directed not to attempt to attend any Prep School or Youth Philharmonic Orchestra class, rehearsal, concert or other event for the remainder of the current academic year."

January 12 was only days before the next concert of the YPO, for which Zander had been preparing the orchestra since September.

We suggest that this brutally summary process was far below the standard expected of a respected educational institution.

Failure to warn Ben Zander of what was underway had already occurred the previous week in London when he was asked to attend the London office of the Boston law firm Ropes & Gray to answer questions put on behalf of the Conservatory about his connection with Mr. Benjamin. He was in London to record Mahler's Symphony No.2 with the Philharmonia Orchestra. He informed the Conservatory that because of his recording schedule it would not be possible to attend the lawyers' office. He said that if the lawyers wanted to ask him any questions they should phone him at his hotel. Two lawyers from Ropes & Gray⁸ called him, and they spoke for just over half an hour.

Zander had no knowledge as to why he was being questioned. He did not have the benefit of any legal or other advice. The questioning was unaggressive, unthreatening, and friendly in manner, giving no indication that it had any relationship to his own situation. He answered freely and honestly. The lawyers thanked him for having taken the time to speak during his busy schedule and wished him luck with the recording. He was told that there might be further questions when he was back in Boston. Not realizing what was being prepared, Zander was completely unconcerned.

In reality, the interview amounted to the taking of a deposition without notice - something that could be regarded as close to entrapment.

Zander's offence was that he had retained a freelance videographer to work in proximity to young people and children, without having obtained the informed permission of the Conservatory.⁹ This was a serious omission.¹⁰ But we suggest that if the question of Zander's conduct had been handled with more deliberation and concern for due process, the outcome would have been different.

⁸ Mr. Christopher Powell and Mr. Douglas Brayley.

⁹ In their letter of January 12 sent to 6,500 "Prep Families, Past and Present," President Woodcock and Dean Foley wrote: "Because Mr. Benjamin's work involving the Preparatory School was conducted in group settings, we believe it to be highly unlikely that students would ever have had occasion to have so much as a conversation with him." These group conditions were equally true of all work done by Mr. Benjamin for Zander at the Conservatory and at Walnut Hill.

¹⁰ On January 20, Ben Zander issued a public statement in which he accepted that the decision to employ the videographer to film classes and concerts had not been one for him to make. He profoundly apologized for the upset and anguish his actions had thereby caused in the NEC community and beyond.

Following Zander's dismissal, inconsistent and even wholly misleading statements were made by the NEC to explain the decision to different constituencies. We understand the truth to be that the decision to dismiss was pressed by President Woodcock who insisted that it be immediate.¹¹ Contrary to that, at a later meeting of the NEC's Faculty Council attended by the President and Mr. Friedlaender, the meeting was told that President Woodcock had been greatly distressed by the dismissal decision, and that the Board of Trustees had insisted action should be taken without delay. A senior faculty member confirmed to Ben Zander that he, too, had been given the same misinformation by President Woodcock.

At the meeting on January 12 when the dismissal recommendation was presented to the Board of Trustees by President Woodcock, some or all of those present may have been unaware of a number of relevant and important facts:

- The fact that there were many people at the Conservatory over the years who must have known both that Peter Benjamin worked there as a videographer and that he had been convicted of sex offences. The suggestion has been that Ben Zander was the only such person. We know the name of another (a senior member of the Administration), but do not give it for fear of the adverse consequences that might follow. The story of Mr. Benjamin's convictions was covered at the time by the *Boston Globe*, the *Boston Herald*, and extensively on TV; the *Wayland Tab*, published where Mr. Benjamin lived, carried it for days. This is not a story that once widely publicized would be forgotten, especially in the relatively small world of a city's musicians and opera singers.¹² On the other hand, it cannot now be easily investigated, since people are understandably unwilling to admit to something that could put them and others in jeopardy. Mr. Benjamin is unwilling to give such names for the same reason.
- The fact that Ben Zander was not even the first person to have used Mr. Benjamin as a videographer at NEC.¹³ Mr. Benjamin had been previously employed by the Conservatory's Opera Department. The Conservatory Library has more than 20 opera films made by Mr. Benjamin at the Conservatory. Two of these predate Zander's first hiring of Benjamin in 2003. One of them is a video of a 2002 performance of *Hansel and Gretel* featuring some two dozen middle-school students as part of a children's chorus. Over the years, Mr. Benjamin was commissioned frequently by NEC departments and faculty members other than Ben Zander. There is no indication that the Conservatory made a thorough inquiry into these other instances of Mr. Benjamin's employment before singling out Zander for dismissal.

¹¹Extensive preparations for Zander's dismissal had clearly been made ahead of time.

¹² As an undergraduate student at Boston University, Mr. Benjamin sang in Sarah Caldwell's Opera Company of Boston Chorus. (Sarah Caldwell, legendary conductor, gave a reference for Mr. Benjamin at his trial and personally attended his sentencing.) Mr. Benjamin sang professionally in the chorus for 25 years. It is more than likely, therefore, that there were people in NEC's Opera Department who knew about his conviction. An article in the *Boston Globe* by Patricia Wen, published on January 15, 2012, stated: "Lynn Torgrove, a longtime professional colleague of Zander's, said that since the controversy erupted, some former conservatory students and staff have acknowledged knowing the videographer had served time for a sex crime, but thought it was a one-time encounter with someone close to adult age."

¹³ The Conservatory's Administration was apparently unaware of this.

- The fact that after completing his sentence in 1998 and attending a four-year rehabilitation program, Mr. Benjamin obtained permission from the Probation Department to return to his long-time profession of videotaping live music events. The Probation Department specifically gave him permission to film events at the New England Conservatory, with the condition that if persons under 18 would be present, he would always have another adult working with him. Mr. Benjamin has voluntarily continued this practice since his probation ended. (Ms. Mavis Young, Mr. Benjamin's Probation Officer, spoke to one of us about him in strikingly positive terms as "a person who conscientiously fulfilled every requirement of his probation program. . . He has succeeded in putting his life back together in a remarkable way. . . He was one of my greatest successes.")
- That, contrary to what was said by Conservatory officials, the way the Conservatory became aware of Mr. Benjamin's criminal record was not through an incident of inappropriate conduct by Mr. Benjamin but, if anything, the exact opposite.¹⁴
- The fact that when Ben Zander wrote a reference for Mr. Benjamin at the sentencing stage of his criminal trial and later retained him as videographer, he did so just on the basis of what he knew about him through his professional work.¹⁵
- The fact that, as it has admitted, the Conservatory Administration itself failed over several years to conduct a background check of Mr. Benjamin - even after 2010 when, under Massachusetts law, it had a statutory duty to conduct Criminal Offender Record Information (CORI) checks.
- The dismissal letter given to Zander did not mention the mandated procedure for making an appeal – or indeed even mention that there was a right of appeal – no doubt because the President had chosen a route that would not allow for such a possibility.
- The dismissal letter given to Zander by President Woodcock stated only that his dismissal was "pursuant to section VI of the Faculty Governance, Evaluation and

¹⁴ NEC officials have stated that Ben Zander's dismissal was occasioned by a report of an "incident" involving Mr. Benjamin reported to the NEC by a parent, the suggestion being that the "incident" involved inappropriate behaviour. As we understand it, this so called incident arose when a then future music student met Mr. Benjamin while travelling on a train with his parents. A conversation ensued during which the father asked whether Mr. Benjamin would be prepared to make a video of his son in connection with his college application. The student also told Mr. Benjamin that he was interested in learning about videography and wondered whether it would be possible to observe him actually working on a film. Mr. Benjamin said he had nothing appropriate at that time but that he would bear the question in mind. They exchanged contact information. Some months later Mr. Benjamin, unexpectedly finding himself in need of an assistant on an assignment to film a suburban orchestra concert, emailed the student asking whether he would be interested and available to do the job, for which he could earn a \$50 fee. Mr. Benjamin added that the student had to be over 16 and that he should first get parental permission. In fact the student was not available for the event but Mr. Benjamin's advice caused the mother to make an internet search which revealed Mr. Benjamin's criminal conviction 20 years before. The parents contacted the Conservatory to ask whether they were aware that the videographer being used in the Conservatory had criminal convictions involving sex offences with children. This was the so-called "incident" (in which Mr. Benjamin acted entirely correctly), that was to lead to Ben Zander's dismissal.

¹⁵ Zander has written: "He was not asking me for an assessment of his crime, nor did I see the necessity to consult the court-records. I was being asked for my impressions of him in a professional environment, the way a member of YPO might ask me for a college reference based on my experience of him or her on Saturday afternoons."

Employment Policies and Procedures for New England Conservatory of Music.”¹⁶ It did not state any charge or identify specific grounds.

We assume that the relevant words in paragraph 1 of section VI were “deliberate, reckless or seriously negligent conduct . . . which has the likely effect of injuring the reputation of the Conservatory.”¹⁷ If that is correct, the decision to fire him has, in its consequences, caused – in the view of many observers - a great deal more injury to the reputation of the Conservatory than was caused by Ben Zander.

The decision and its process have aroused considerable controversy and strong emotions in the NEC community and beyond. Serious criticism has been expressed by students, former students, parents of students, fellow musicians and the musical community generally, as well as members of the business and legal community, much of it accessible on the internet. There is an online petition for Zander to be reinstated.¹⁸ Student unrest at NEC following Zander’s dismissal is plainly regarded by the Administration as a matter of real concern, requiring immediate suppression. An official letter sent on February 10 by Dean Lesley Foley to all members of YPO warned that students who were unable or unwilling to participate in auditions for a new conductor and rehearsals would be replaced.¹⁹ On February 11 security guards were posted at the entrances to Brown Hall for the weekly Saturday afternoon YPO rehearsal. Normally these rehearsals are open to parents and other visitors, but on this day the rehearsal was closed to visitors; orchestra members were checked in, one by one, at a form of guard post.²⁰

There has been widespread and continuing press coverage of Zander’s dismissal, some of which is likely to have been not only damaging to the Conservatory and its current staff and students, but also of concern to potential future students, to alumni, and to potential donors.

The Conservatory demonstrated awareness that its reputation was under serious threat when it hired a PR firm specifically to handle the Zander dismissal story. (Ms. Karen Schwarzmann’s website states that “Karen specializes in crisis and reputation management.”)

¹⁶ Section VI, para. 1 defines Adequate Cause for Instant Dismissal as follows: “Personal or professional misconduct or unfitness so serious as to constitute deprivation of a high quality of instruction and supervision to the faculty member’s students; dishonesty; material failure, or refusal to fulfil contractual responsibilities in a timely manner; deliberate, reckless, or seriously negligent conduct which subjects the Conservatory to loss, liability, or damages, or which has the likely effect or result of injuring the reputation of the Conservatory; serious violation of any of the Conservatory’s policies against discrimination, including without limitation, sexual or other unlawful harassment, persistent, offensive, and disrespectful behaviour toward, or non-cooperation with, a faculty member’s colleagues or the Administration.”

¹⁷ The words “which subjects the Conservatory to loss, liability, or damages” seem only applicable if loss, liability or damages actually occur.

¹⁸ “Call to Reinstat Benjamin Zander as Conductor of YPO.” Launched by students on February 3. By February 21 there were over 700 signatories, including, in addition to students, many members of the community.

¹⁹ Dean Foley’s letter said “regarding the petition to reinstate Ben: we acknowledge your right to advocate for your beliefs and to speak your mind. The determination to release Ben was made by NEC’s administration with the endorsement of the Board of Trustees after a thorough investigation of the facts and deep deliberation. At its core was one overriding imperative – to create the safest possible learning environment for you and the rest of the NEC community. Out of respect for the time and effort you have invested in the petition effort, however, I want to make it clear to you that the decision is final. It will not be reversed.” The letter went on to give information about the conductor search process put in place last August. It warned that if students were “unable or unwilling to participate in the auditions and rehearsals we will offer the opportunity to other students.”

²⁰ A student wrote: “I felt like we were travelling through an airport security device.”

A critique of NEC's decisions in regard to Ben Zander, written anonymously by an obviously informed retired musician from the perspective of more than fifty years knowledge of the NEC and of its Preparatory School, refers to "a poisonous atmosphere within the institution" and to the "unfortunate way" in which "this deplorable situation" had been handled.²¹

The "poisonous atmosphere" created by the firing of a senior and respected member of the faculty has been aggravated by the instruction given to staff at least of Walnut Hill²² not to make contact with Ben Zander - as if he had committed a crime. Such an instruction, given, we assume, on professional advice lest someone convey information useful to Zander in any legal proceedings he might initiate, can only be regarded with disbelief. For an institution to aim to speak with a single voice to the press is one thing. For an academic institution to instruct its faculty members and staff not to speak to a friend and former colleague who had just been dismissed is quite another. It seems to us shameful that such instruction could be issued in a reputable American academic institution, and highly disturbing that any faculty or staff should feel so threatened that they obey it.²³

Not all members of the Board of Trustees will be aware of Ben Zander's activities beyond NEC: of his highly regarded recordings of Mahler, Beethoven and Bruckner symphonies with the Philharmonia Orchestra, two of which were nominated for a Grammy award; that he has been a keynote speaker in Davos at the World Economic Forum, and on another occasion there was awarded the Crystal Award for "outstanding contributions in the Arts and International Relations"; that in 2002 he was awarded the "Caring Citizen of the Humanities" Award by the International Council for Caring Communities at the United Nations. In 2006, he was awarded the Golden Door Award, given each year by the International Institute of Boston, Manchester and Lowell to an American citizen of foreign birth who has made an outstanding contribution to American society "through a life of reputation, accomplishment, and character."²⁴

In 2009, the New England Conservatory awarded Ben Zander an Honorary Degree, on the occasion when he was also the Graduation Speaker.

Richard Dyer, the *Boston Globe*'s long time, now retired, music critic wrote to him after his dismissal by NEC: "I do not believe that there is a single person in the history of NEC whose work has touched the lives and souls of as many students over a longer span of time, and of course you have been an important inspiration and resource to the entire musical community beyond NEC, especially here in Boston, including this observer and commentator."

Christopher Wilkins, Music Director of the Boston Landmarks Orchestra, in a letter published in the *Boston Globe*, wrote: "Benjamin Zander's leadership of young orchestras is the gold standard. . . He is without dispute America's most passionate, generous, and successful youth orchestra conductor. . . No music teacher has ever lit more fire under his

²¹ The anonymous letter (January 20, 2012, see Appendix) was addressed to the well-known English music scholar and critic, Norman Lebrecht, who had written a strong criticism of the firing of Ben Zander on his blog - www.normanlebrecht.com - *Slipped Disc the Lebrecht Blog*. The Lebrecht Blog has from the outset had an ongoing debate regarding the pros and cons of Ben Zander's dismissal.

²² Ben Zander has been contacted by some Conservatory faculty members. We do not know whether Conservatory faculty members were given the same instruction as was given to staff at Walnut Hill.

²³ The concern to clamp down on free communication amongst colleagues has applied even to the Board of Trustees itself. At the January 12 meeting Trustees were told to communicate on this topic - even with each other - only orally. They were told that they should not leave a paper or email trail.

²⁴ Recipients include I.M.Pei and Yo Yo Ma.

students. No Boston musician has ever brought greater purpose to his music making. It would be tragic if the only real victim of this incident was the next generation of Boston's young musicians."

In an article in the *Boston Globe*, President Woodcock was quoted as saying "that the conductor's prominence did not play into the decision to fire him and that Zander should not have received special treatment."²⁵ Special treatment because of one's *prominence* is of course unacceptable. But it is equally unacceptable to proceed without taking into account a person's institutional contributions when sanctions in such a case are under consideration.

Dismissal was the most severe of the possible sanctions available. Did the Board of Trustees give any (or sufficient) weight to Zander's outstanding record, especially with students, over decades at the Conservatory ? Did the Board seriously consider other possible sanctions?

The decision by the Board to approve the dismissal of Ben Zander on the morning of January 12 was taken in a way that can fairly be called a rush to judgment. It was taken, we imagine, in the belief that the Conservatory had to be protected from the possibility of lawsuits arising out of allegations of abuse by Mr. Peter Benjamin. We fail to understand how firing Ben Zander would provide a defence against such legal action.²⁶ Whether it was or was not specifically referred to, we have no doubt that many of those attending the meeting would also have had in mind a concern that the New England Conservatory might be accused of a "cover-up" similar to that at Penn State or in the Catholic Church cases. There is, of course, an absolute difference between those cases and the case of Mr. Benjamin. In those cases, identified current sex abusers were allowed to continue in their working environment after their crimes were discovered and covered up by the authorities. In the case of Mr. Benjamin, his crimes were recognized, publicized, and punished with a prison term, following which he was given permission by his Parole Board to resume his professional activities including those at the Conservatory. Ben Zander freely admitted that he had used Mr. Benjamin as videographer. His offence was his failure to get informed permission from the Conservatory for such use. Dealing with that failure by appropriate means other than dismissal would clearly not have constituted an institutional cover-up.

Now that some weeks have passed, the high emotions and fears that affected decision-making on January 12 may no longer have such sway.

We suggest that the Board of Trustees may conclude that, in light of all the considerations advanced in this letter, the penalty imposed on Ben Zander was too severe and out of proportion to his offence. It is a punishment that, because of the reach of the internet, would mark him world-wide for the rest of his life, seriously affecting his reputation, his relationship with anyone with whom he comes into contact, and his earning capacity.

²⁵ Article by Geoff Edgers, February 5, 2012.

²⁶ In opening the emergency meeting of the Board of Trustees on January 12, President Woodcock said that it had come to the attention of the Conservatory in December that "a sexual predator" had been filming events there. That would have set the tone for the meeting. The emotive term "sexual predator" seems a singularly unfortunate expression to describe someone whose offences occurred 20 years ago and who appears to have been fully rehabilitated.

In her February 10 letter to YPO members, cited above, Dean Foley wrote that the decision to dismiss Ben Zander was made “after a thorough investigation of the facts.” We suggest that it was clearly not thorough enough.

In the same official (and no doubt carefully crafted) letter to YPO members, Dean Foley also wrote that Zander was dismissed in order “to create the safest possible learning environment for you and the rest of the NEC community.” We suggest that the Administration’s attempt to justify Ben Zander’s dismissal as being in order “to create a safer environment for students” is risible, and insulting to the intelligence of the students to whom it was addressed.

Ben Zander failed to get informed permission to use Mr. Benjamin as a videographer. So far as is known, no harm to anyone resulted from that failure.²⁷

Did that justify his instant dismissal? Did it justify the orchestration of a covert legal investigation; carefully prepared letters to 6,500 families; equally well-prepared letters for Zander to sign regarding his resignation or dismissal; an official press statement ready for immediate release; and an emergency Board of Trustees meeting during which Zander’s dismissal was approved -- all before he had any knowledge of these proceedings, or any opportunity to obtain advice, and when he was *de facto* denied his stipulated right of appeal as a faculty member? Above all, was his dismissal proportionate to the offence?

We ask the Board these questions. We realize of course that reconsidering so public and so controversial a decision will be uncomfortable. We think, however, that in fairness not only to Ben Zander but to the wider community concerned about the well-being of the NEC, it is nevertheless right. In terms of the reputation of the Conservatory, we respectfully suggest that it would also be both appropriate and wise to recommend the reinstatement of Ben Zander as a member of the NEC faculty to perform all the duties that were his before January 12.

Neil L. Rudenstine, *President Emeritus, Harvard University*

Michael Zander, QC, *Professor Emeritus of Law, London School of Economics and Political Science*

Appendix²⁸

Anonymous:

[January 20, 2012 at 9:09 pm](#)

²⁷ There was no known complaint about Mr. Benjamin’s conduct from the time of his release from prison in the late 1990s to Ben Zander’s dismissal on January 12. It is safe to assume that if the letter to 6,500 families sent on that day had produced any evidence of a complaint about Mr. Benjamin’s conduct, NEC’s Administration would have let that be known.

²⁸ www.normanlebrecht.com - [Slipped Disk the Lebrecht Blog](#).

Dear Mr.. Lebrecht,

As an older Bostonian, a retired musician now in my eighties, I can perhaps shed some light on this deplorable situation. Almost 50 years ago I came to know NEC Preparatory School's first director, Frances Lanier, and through her came to take an interest in the community outreach program that she had founded. How proud Frances would be of her school today! Over the years, NEC Preparatory School has evolved into an extraordinary educational institution, surely one of the finest in the world. In the last 30 years, two people in particular, Benjamin Zander and Mark Churchill, have shaped and guided the energies and efforts of its talented and dedicated faculty with uncommon vision, idealism and skill. Early on, I heard Zander, a brilliant young English 'cellist fired by his experiences at the Yehudi Menuhin school, taking his first steps as a conductor. Decades later, I have not forgotten the uncommonly elegant and flexible performance of a Boyce symphony that he led with his newly founded Youth Chamber Orchestra. I thought of it again recently when I heard him lead that orchestra's successor, the Youth Philharmonic Orchestra, in an astonishing performance of Mahler's 9th symphony, an achievement that would not have been imaginable in earlier years. In the intervening decades, I have witnessed the gradual development of the orchestra in size and skill. One thing has never changed, however: the consistently committed and inspired nature of the music making, and the evident love of every member for what they were doing, and for each other. This, I attribute to Benjamin Zander, who may never do an uncontroversial thing in his life, but who, at age 72, has for more than half a century dedicated himself utterly to the care, the education, and the ultimate success of the children in his charge. 2011 was a Mahler year, and Mr.. Zander led his orchestra on a Mahler pilgrimage to Austria and the Czech Republic, apparently and incomprehensibly much to the displeasure of NEC's president, to teach them to love and understand that great composer's life and work.

<http://necmusic.edu/ypo>

I understand that the usually reserved Viennese audiences were ecstatic after Zander led their performance in the sold-out Musikverein. Shortly after that tour, President Woodcock forced Zander to resign the directorship of the orchestra that he had founded and guided for nearly 40 years. Why? I believe an explanation is called for. None has been given.

When Mark Churchill took over as director around 1980, the Preparatory School had fallen on hard times. The various community branches from Frances Lanier's time had fallen away, and the preparatory school was in danger of being done away with altogether. Over three decades, Churchill, aided by his wife MaryLou, the former principal second violin of the Boston Symphony, succeeded not only in building the Preparatory school into a world-class institution, but his vision led to the founding of other important institutions and programs such as Project STEP (for minorities), the NEC association with the Walnut Hill School for the Performing Arts (on the Menuhin School model), the Conservatory Lab Charter School (an arts school for children), and the Youth Orchestra of the Americas. Churchill was one of the first to recognize the potential of Venezuela's El Sistema, and he forged a bond between El Sistema and NEC.

<http://www.youtube.com/watch?v=Uintr2QX-TU>

Many of us believe that El Sistema is the greatest music program in the world, and that its founder, Mr.. Abreu, should receive a Nobel prize for his work.

<http://www.youtube.com/watch?v=43tqQhOTCgQ>

Benjamin Zander has been intimately involved with these programs from their inception. For his thirty years of visionary and successful leadership, Churchill, whose beloved wife had recently died leaving him with the care of two young daughters, was celebrated at NEC with a testimonial dinner. A week or so later President Woodcock forced him to resign his position as Dean of the Preparatory School. Why? I believe an explanation is called for. None has

been given. One consequence: NEC's bond with El Sistema, which held enormous promise for the future, was substantially broken, and other institutions, such as Bard College, the Longy School of Music and the Los Angeles Philharmonic moved in to compete with Churchill's (formerly NEC's) El Sistema USA.

This is just a small part of a complex story. But apparently the president of NEC has the power to force distinguished senior faculty and administration to resign, and to cut or alter programs without offering an alternative vision for the school that he has been entrusted with. It can be argued that no one is irreplaceable. The new administrators at the Preparatory School are enormously gifted and capable (It remains to be seen who will "replace" Zander as conductor of the YPO). Nevertheless, the fact that the two eminently successful, and (I keep coming back to the word) visionary, creative leaders who substantially and successfully built the school were forced out at the height of their powers, and just as the Preparatory School was poised to rise to a new and perhaps unprecedented heights (with the El Sistema/El Sistema USA connection), has many people shaking their heads in disbelief. The fact that it happened at the whim of the NEC president, who has yet to offer an explanation for his actions, and who made his firings look like resignations, has created a poisonous atmosphere within the institution (if the president can force Zander (45 years' service) and Churchill (30 years) out, whose job is safe?). All this occurred before the discovery of Mr. Benjamin's activities and the unfortunate, clumsy way in which that situation has been handled.

People will have their own opinions about the Benjamin affair. It seems, however, that Zander's actions handed president Woodcock the excuse that he was looking for and couldn't find elsewhere. No matter how the public comes down on this issue, however, I hope people will consider this: a school such as New England Conservatory Preparatory School is the work of many people over many years. No one can begin to appreciate the countless hours of dedicated effort, the idealism, the wisdom, the creativity, the scrounging for money, the complicated human relationships, the misunderstandings, the arguments, the foolishness, the egos, the long tiring days and late nights, all of it, that go into creating an institution whose only reason for being is to nourish the hopes and dreams of the young (read their wonderful letters):

<http://www.benjaminzander.com/board/index.php?group=48>

It might feel good for people to vent, but they should realize that there are important things at stake here. A match can burn down a city, but who among us can build one up? A great deal has already been destroyed by people who have yet to account for their actions. New, talented people have been brought in to lead the school. Time will tell what they may achieve.

Anyone who has seen the Preparatory School at work, who has interacted with its remarkable faculty and students, who has, as I have, witnessed its development from Frances Lanier's dream to its recent pinnacle of achievement, anyone who not only believes in, but has witnessed, over and over again, the power of music to transform lives, must understand the importance of wisdom, and no little courage, at this moment. It is time for everyone to step back and realize what is at stake here. Realize what has been lost, and what might still be lost. Insist on answers and accountability, and think hard, work hard, to articulate a compelling vision for the future. Please let it be a vision that makes room for idealists.

Finally, from the perspective of age I would urge that any path forward must include the understanding that even good people make mistakes, which they may deeply regret. The best people learn from them, and they grow.

